



CITY OF BAYTOWN

2401 MARKET P.O. BOX 424 BAYTOWN, TX. 77522-0424 (281) 420-6505 FAX (281) 420-6586

IGNACIO RAMIREZ, SR.
CITY ATTORNEY

JULIE K. ESCALANTE
ASSISTANT CITY ATTORNEY

KAREN L. HORNER
ASSISTANT CITY ATTORNEY

LEGAL
DEPARTMENT

July 1, 1998

EX PARTE OR LATE FILED

Ms. Magalie Roman Salas
Federal Communications Commission
1919 M Street, Room 222
Washington, DC 20554

Re: Ex Parte Filing in cases FO 91-171, FO 91-301

Dear Secretary Salas:

Enclosed are two copies of an ex parte presentation in the above-referenced proceeding.

Sincerely,

A handwritten signature in cursive script, appearing to read "Karen Horner".

Karen Horner
Assistant City Attorney



CITY OF BAYTOWN

2401 MARKET P.O. BOX 424 BAYTOWN, TX 77522-0424 (713) 422-8281 FAX (713) 420-6586

July 1, 1998

EX PARTE OR LATE FILED

Chairman William Kennard
Federal Communications Commission
1919 M Street, NW, Room 814
Washington, DC 20554

Re: Ex Parte Filing in cases FO 91-171/FO 91-301

Dear Chairman Kennard:

Please reject the proposed change in your Emergency Alert System rules. The proposed change would prevent people watching local TV stations on a cable system from receiving emergency announcements from their local public safety authorities.

There is no basis for such preemption of state and local public safety authorities, particularly against their will. All viewers of cable channels should get emergency announcements from their local public safety authorities. Otherwise the public safety is harmed. As such, please reject the proposed change, including any proposal to preempt franchise provisions on local emergency alerts.

Municipalities are charged with protecting the public safety. They have trained public safety authorities on duty 24 hours a day with an obligation and duty to notify the public of emergencies. Where they have felt it necessary (such as TV station announcements being inadequate or needing supplementing) municipalities require all channel local alert systems in their cable franchises. It is a violation of Federalism and your statutory duty to turn this vital public safety function over to a private party who has no obligation, training or authority on public safety matters.

Broadcasters supporting the proposed rule claim that their emergency alerts are superior to those of state and local public safety authorities. This is a decision for each municipal safety authority to determine on a case by case basis as reflected in their cable franchise. This decision cannot be turned over to a private party with no public safety obligation.

Alert systems deal with emergencies where public safety authorities have determined that the public needs to be informed immediately. The fact that emergency alerts from public safety authorities may occasionally overlap those of private parties (such as broadcasters) is a minor problem, if it is a problem at all. The proposed rule change is unacceptable because it guarantees

William Kennard

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a substantial reduction in the number of people receiving emergency announcements from their local public safety authority.

Emergency information on TV stations can be helpful but typically apply mainly to weather. Local emergency alerts are also used for other types of emergencies such as hazardous material spills, gas leaks, prison escapes, street and bridge closings and other local emergencies. TV stations typically do not cover these. In part, this is because TV stations serve hundreds of communities. They do not cover local emergencies which affect only one community. Cable systems are often the best or only means for municipalities to alert their residents to local emergencies that reflect local conditions.

The Cable Act allows communities in renewals to require cable systems to meet community needs. Local emergency alert systems are a part of meeting such needs. Because they are protected by these provisions of the Cable Act you cannot preempt them. Any attempt at preemption would violate principles of Federalism and the U.S. Constitution due to public safety matters being of vital local concern.

Thank you for your attention in this matter.

Sincerely,



Bobby Rountree
City Manager

cc: Commissioner Harold Furchtgott-Roth
Federal Communications Commission
1919 M Street, NW, Room 802
Washington, DC 20554

Mr. John Logal
Acting Chief
Cable Services Bureau
918 Empire Building
2033 M Street, NW
Washington, DC 20554

Commissioner Michael Powell
Federal Communications Commission
1919 M Street, NW, Room 844
Washington, DC 20554

Ms. Magalie Roman Salas (2 copies)
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

Commissioner Gloria Tristani
Federal Communications Commission
1919 M Street, NW, Room 844
Washington, DC 20554

Commissioner Susan Ness
Federal Communications Commission
1919 M Street, NW, Room 832
Washington, DC 20554